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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

KATHLEEN VESTEVICH,

Plaintiff,

vs.

UNITED STATES OF AMERICA; THE
CENTERS FOR MEDICARE AND MEDICAID
SERVICES; CNI ADMINISTRATION
SERVICES, LLC,

Defendants.

) **Case No.: 3:08-cv-00027-L-JMA**

) **PLAINTIFF'S REPLY TO DEFENDANT'S**
) **RESPONSE TO MOTION TO AMEND**
) **COMPLAINT**

) DATE: June 2, 2008
) TIME: 10:30 a.m.
) JUDGE: Hon. M. James Lorenz
) TRIAL: None set.

I. REPLY

Plaintiff has no issue with defendant's conditional non-opposition to her Motion to Amend Complaint ("Motion"). However, in its response to the Motion, defendant requests for the first time that all other named defendants be dismissed. Plaintiff will not agree to such as dismissal, and submits that a conditional non-opposition is not the proper vehicle for this type of relief. If defendant wishes to seek a dismissal of all other defendants, it can do so through a properly noticed motion supported by declarations and legal authority rather than by argument of counsel.

1 Dated: May 5, 2008

THE McCLELLAN LAW FIRM

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By: _____/s/_____
ROBERT J. CHAMBERS, II
Attorneys for Plaintiff

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